

Cir. 1995). The reasons typically given are that it is inefficient, duplicative, and may lead to inconsistent results. That is the situation here.

Because the case before Judge Saris was the first filed case, Celimen Savino should be dismissed from this case and required to proceed in 10-cv-10259 PBS only.

In addition, the Defendants oppose Celimen Savino's motion to be re-categorized under the proposed five categories announced by the Court on April 2, 2020. First, Defendants have asked the Court to reconsider its provisional class or sub-class certification in a supplemental filing today. Second, although Celimen Savino may not have convictions, she does have an extensive record of criminal arrests and threats of domestic violence. This was presented in the Defendants' Opposition to the Motion for a Temporary Restraining Order, but is worth reviewing here. Petitioner has at least nine arraignments in Massachusetts since 2008 as a result of eleven arrests, including seven arrests for aggravated assault and multiple arrests for violating the restraining order initiated against her by her husband. She admitted that she has anger management and control issues during her bond hearing. This is not a person that can be expected to comply with any conditions of release, since she has repeatedly violated restraining orders.

These facts illustrate exactly why a rough categorization should not substitute for individualized detention determinations rather than class-wide relief. The purported class members each stand in a different posture and present different risks to the community, of infection and of flight and noncompliance with release conditions. In addition, members of the purported class differ in whether they are subject to mandatory detention under the INA.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Thomas E. Kanwit
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Dated: April 3, 2020